

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IN RE:)	
)	
ITT EDUCATIONAL SERVICES, INC., <i>et al.</i> ¹)	Case No. 16-07207-JMC-7A
)	
Debtors.)	Jointly Administered
_____)	
)	
DEBORAH J. CARUSO, the CHAPTER 7)	
TRUSTEE for ITT EDUCATIONAL)	
SERVICES, INC., ESI SERVICE CORP. and)	
DANIEL WEBSTER COLLEGE, INC.,)	
)	
Plaintiff,)	Adversary Proceeding No. 18-50100
vs.)	
)	
KEVIN MODANY, JOHN E. DEAN,)	
C. DAVID BROWN II, JOANNA T. LAU,)	
THOMAS I. MORGAN, JOHN VINCENT)	
WEBER, JOHN F. COZZI, SAMUEL L.)	
ODLE, and JERRY M. COHEN,)	
)	
Defendants.)	

**NOTICE OF INITIAL EXTENSION OF TIME TO RESPOND TO COMPLAINT AND JOINT
MOTION TO FURTHER EXTEND TIME TO RESPOND TO COMPLAINT**

Come now Kevin Modany (“Modany”), and Deborah J. Caruso, Chapter 7 Trustee (the “Trustee”) by counsel, and request an extension of time, exceeding 28 days, to submit a response to the Summons & Complaint in the above captioned Adversary Proceeding.

Initial Extension of Time

1. On June 4, 2018, counsel for the Trustee served counsel for Modany with a copy of the Complaint initiating this Adversary Proceeding along with a Summons.
2. The original due date for Modany’s response to the Complaint was July 2, 2018.

¹ The debtors in these cases, along with the last four digits of their respective federal tax identification numbers are ITT Educational Services, Inc. [1311]; ESI Service Corp. [2117]; and Daniel Webster College, Inc. [5980].

3. Modany requested an initial twenty-eight (28) day extension of time within which to file a response to the Complaint, up to and including July 31, 2018.
4. Counsel for the Trustee did not object to the requested extension.
5. The due date for the Modany's response to the Complaint is currently extended to and includes July 31, 2018.

Request for Additional Time

6. On June 28, 2018, counsel for Modany contacted Counsel for Plaintiff, requesting a second extension of time beyond July 31, 2018, to accommodate Modany's attendance at the jury trial in the District Court for the Southern District of Indiana, Case No. 1:15-cv-00758-JMS-MJD, *United States Securities and Exchange Commission v. Kevin M. Modany, Daniel M. Fitzpatrick*, currently scheduled to commence July 9, 2018, and expected to take 15 days.
7. Counsel for Plaintiff does not object to an additional period of time, up to, and including August 24, 2018 for Modany to respond to the Complaint.

WHEREFORE, Modany and the Trustee respectfully request that the Court enter an order (substantially in the form of Exhibit A) extending the deadline for Modany's response to the Complaint to August 24, 2018.

Dated: July 2, 2018

Respectfully submitted,

<p>ICE MILLER LLP</p> <p>/s/ <i>Philip A. Whistler</i></p> <p>Philip A. Whistler Thomas Mixdorf One American Square Indianapolis, Indiana 46282 Telephone: (317) 236-2349 Email: philip.whistler@icemiller.com Email: thomas.mixdorf@icemiller.com</p> <p><i>Local Counsel to Kevin M. Modany</i></p>	<p>RUBIN & LEVIN, P.C.</p> <p>/s/ <u>Carly A. Kessler</u></p> <p>Thomas F. Berndt Carly A. Kessler 399 Park Avenue Suite 3600 New York, New York 10022 Telephone: (212) 980-7400 Email: tberndt@robinskaplan.com ckessler@robinskaplan.com</p>
<p>MORGAN, LEWIS & BOCKIUS LLP</p> <p>John C. Goodchild, III Rachel Jaffe Mauceri 1701 Market Street Philadelphia, Pennsylvania 19103 Telephone: (215) 963-5000 Facsimile: (215) 963-5001 Email: john.goodchild@morganlewis.com rachel.mauceri@morganlewis.com</p> <p>Elaine V. Fenna 101 Park Avenue New York, New York 10178 Telephone: (212) 309-6000 Facsimile: (212) 309-6001 Email: elaine.fenna@morganlewis.com</p> <p><i>Counsel to Kevin M. Modany</i></p>	<p>RUBIN & LEVIN, P.C.</p> <p>Meredith R. Theisen 135 N. Pennsylvania Street, Suite 1400 Indianapolis, Indiana 46204 Telephone: (317) 634-0300 Email: mtheisen@rubin-levin.net</p> <p><i>Counsel to Deborah J. Caruso, Chapter 7 Trustee</i></p>

CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of July, 2018, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

Richard Allyn
rallyn@robinskaplan.com

Carly Kessler
ckessler@robinskaplan.com

Thomas Berndt
tberndt@robinskaplan.com
jgerboth@robinskaplan.com

Ronald James Schutz
rschutz@robinskaplan.com

Michael Anthony Collyard
mcollyard@robinskaplan.com
rhoule@robinskaplan.com

U.S. Trustee
ustpreion10.in.ecf@usdoj.gov

John C. Hoard
johnh@rubin-levin.net
jkrichbaum@rubin-levin.net
atty_jch@trustesolutions.com

/s/Philip A. Whistler

EXHIBIT A

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)	
ITT EDUCATIONAL SERVICES, INC., <i>et al.</i> ²)	Case No. 16-07207-JMC-7A
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ODLE, and JERRY M. COHEN,)	
)	
Defendants.)	

**ORDER GRANTING JOINT MOTION TO
FURTHER EXTEND TIME TO RESPOND TO COMPLAINT**

This matter having come before the Court on the Joint Motion to Further Extend Time to Respond to Complaint (“Motion”) filed on behalf of Defendant Kevin Modany and the Chapter 7

² The debtors in these cases, along with the last four digits of their respective federal tax identification numbers are ITT Educational Services, Inc. [1311]; ESI Service Corp. [2117]; and Daniel Webster College, Inc. [5980].

Trustee, having reviewed the Motion and being in all matters duly advised, the Court now GRANTS said Motion and ORDERS that the deadline for Defendant Kevin Modany to respond to the Complaint in the above-captioned Adversary Proceeding is extended to August 24, 2018.

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